

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JANE DOE,

Plaintiff,

v.

RICARDO MUNGUA,

Defendant.

Case No. 24-cv-394-SH

PLAINTIFF'S MOTION AND
BRIEF TO WAIVE REQUIREMENT
OF LOCAL COUNSEL

Plaintiff Jane Doe ("Plaintiff"), by and through her undersigned counsel, respectfully submits this Motion to Waive Requirement of Local Counsel Pursuant to Local Rule LGnR4-3(c).

1. The instant case relates to the tortious distribution of Plaintiff's intimate images online. The suit alleges three causes of action: (1) violation of 15 USC § 6851, (2) violation of 21 O.S. § 1040.13b, and (3) Intentional Infliction of Emotional Distress. Plaintiff intends to only pursue the statutory liquated damages amount provided in 15 USC § 6851(3)(A)(i).

2. Our firm has extensive experience in nonconsensual pornography cases and has litigated or advised on the issue in multiple jurisdictions throughout the country. Our firm is also experienced in this type of action in Federal Courts, having previously argued the instant issues in at least three other federal jurisdictions within two states.

3. More so, our firm is intimately familiar with the matter at hand and our client's history, having been first retained in 2022.

4. More so, on August 24, 2023, I was admitted to practice before this court and am currently an attorney in good standing.

5. Plaintiff has limited disposable income. Plaintiff would face a potential financial hardship in needing to obtain Local Counsel to familiarize themselves with a litigation and the pre-litigation discovery that took time to obtain.

6. On top of this, and as detailed in Plaintiff's affidavit in support of her motion to proceed under a pseudonym, this action relates to her most intimate images and the abuse she first suffered at the hands of an ex-boyfriend and then by defendant's conduct. Plaintiff's trauma through the telling of her story and having to retain an additional attorney to review the images and files can only further her harm.

7. Additionally, finding and retaining another attorney would not only be financially burdensome and taxing in terms of time, it would also force Plaintiff to share her story and intimate images with even more strangers, an emotionally draining task which she is, understandably, not eager to repeat.

8. The proceeding was brought using Plaintiff's initials out of concern for her future career and mental well-being for good reason. Plaintiff is desperate to avoid linking her name to this case and is reluctant if not resistant to revealing her full name to additional third parties.

9. Local Rule LGnR4-3(c) permits waiver of the requirement for Local Counsel, by the Court, on a case-by-case basis and upon a showing of "good cause for the exemption[.]"

10. I have personally been practicing in federal courts since 2010 and currently have active admission in seven different jurisdictions. I am familiar with the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Rules of the Northern District of Oklahoma.

11. It is believed that a law firm's experience may lessen the need for local counsel. I submit that our firm's extensive experience in representing victims of nonconsensual

pornography as well as in federal courts, generally, lessens Plaintiff's need to retain local counsel in this case.

12. Based upon the above, I believe that good cause exists for a waiver in this instance.

WHEREFORE PREMISES CONSIDERED, Jane Doe, and her counsel, Daniel S. Szalkiewicz, Esq. respectfully request that the Court waive the requirement for Local Counsel pursuant to Local Rule Local Rule LGnR4-3(c), and for any other relief that is just.

Dated: August 28, 2024

Respectfully submitted,

/s/Daniel S. Szalkiewicz, Esq.
Daniel Szalkiewicz & Associates, P.C.
23 West 73rd Street, Suite 102
New York, New York 10023
(212) 706-1007
daniel@lawdss.com

CERTIFICATE OF SERVICE

I hereby certify that, on this 28th day of August, 2024, I caused to be sent by United States Postal Service, the PLAINTIFF'S MOTION AND BRIEF TO WAIVE REQUIREMENT OF LOCAL COUNSEL and supporting papers, and thereby caused service of the foregoing document on non-ECF participant Defendant to the following address of record:

Mr. Ricardo Munguia
5504 S 74th East Ave
Tulsa, OK 74145-7761

/s/Daniel Szalkiewicz
By: Daniel S. Szalkiewicz, Esq.
Attorney for Plaintiff